

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America, - Docket No. 3:15-cr-024-3
Plaintiff, - Toledo, Ohio
v. - June 27 2016
Sentencing
Ana Angelica Pedro Juan, -
Defendant. -

TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE JAMES G. CARR
UNITED STATES DISTRICT JUDGE.

APPEARANCES:

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Proceedings recorded by mechanical stenography,
transcript produced by notereading.

1 (Commenced at 9:01 a.m.)

2 (The interpreter was sworn by the clerk.)

3 THE CLERK: 3:15-CR-24-3, United States of
00:06:23 4 America versus Ana Angelica Pedro Juan. Matter called
00:06:28 5 for sentencing.

00:06:29 6 THE COURT: Let the record show the
00:06:30 7 Defendant is present in court with her attorney, Mr.
00:06:33 8 Merle Dech. The Government is represented by AUSA
00:06:37 9 Chelsea Rice. Is that correct?

00:06:40 10 MS. RICE: Chelsea Rice, Your Honor, yes.

00:06:48 11 THE COURT: The Pretrial Services Officer,
00:06:53 12 Myrna Greenwood, is present. Ellen Donahue,
00:06:56 13 interpreter, is also present.

00:06:57 14 With you are.

00:06:58 15 MS. RICE: Your Honor, I am joined by trial
00:07:00 16 attorney Dana Mulhauser from the Department of Justice,
00:07:04 17 and Special Agent Matthew Komar of the FBI.

00:07:11 18 THE COURT: I assume he's the case agent?

00:07:14 19 MS. MULHAUSER: Yes, Your Honor.

00:07:16 20 THE COURT: Counsel, have you each received
00:07:18 21 and reviewed the Presentence Report? Any objections
00:07:22 22 I'll go over in a minute. Aside from those objections,
00:07:25 23 are there any other objections?

00:07:27 24 MR. DECH: No, Judge, on behalf of my
00:07:29 25 client.

00:07:29 1 MS. RICE: Not on behalf of the United
00:07:31 2 States.

00:07:31 3 THE COURT: Counsel, have you each received
00:07:33 4 and reviewed the Presentence Report? And, Mr. Dech,
00:07:36 5 have you reviewed it with your client?

00:07:38 6 MR. DECH: Yes, I did in Spanish with the
00:07:40 7 interpreter, Ms. Cindy Lepley a few weeks ago at the
00:07:44 8 Lucas County Correction Center.

00:07:46 9 THE COURT: Let me ask the defendant --
00:07:47 10 first let me say, Ms. Donohue, obviously if I'm going
00:07:53 11 too quickly, say so.

00:07:55 12 THE INTERPRETER: Yes, Your Honor.

00:07:56 13 THE COURT: And if you'll please tell the
00:07:58 14 defendant if she has any questions or you have any
00:08:02 15 concerns, she's not able to follow along, let me know.
00:08:09 16 Also please tell her that if at any time she doesn't
00:08:14 17 understand what's happening to let you know so that she
00:08:18 18 can talk to her attorney.

00:08:23 19 THE INTERPRETER: Okay.

00:08:24 20 THE COURT: And ask her if her lawyer
00:08:26 21 reviewed the Presentence Report with her.

00:08:34 22 THE DEFENDANT: Yes.

00:08:34 23 THE COURT: Mr. Dech, if you could show her
00:08:38 24 a copy and ask her if that is the copy you reviewed with
00:08:42 25 her.

00:08:52 1 If you'll ask the defendant if she's
00:08:54 2 confident that her attorney has done everything
00:08:57 3 necessary to prepare her and himself for today's
00:09:03 4 proceeding?

00:09:06 5 THE DEFENDANT: Yes.

00:09:10 6 THE COURT: Give me a moment to get my
00:09:12 7 computer going.

00:09:25 8 Let's turn first to the objections.
00:09:27 9 Actually, let me just confirm that the present guideline
00:09:32 10 calculation as prepared by Ms. Greenwood -- give me a
00:09:43 11 moment to get the computer opened up.

00:10:35 12 I apologize. I'm having some trouble
00:10:39 13 finding what I need.

00:10:49 14 (Discussion had off the record.)

00:12:12 15 THE COURT: I'm sorry, I can't get into my
00:12:15 16 computer with all my notes. I'm not happy. I
00:12:23 17 apologize, but I can't function without material that I
00:12:29 18 thought would be accessible by my computer. I know I
00:12:45 19 had you all come here early so we could get underway. I
00:12:49 20 apologize. I'm very upset by this. It will not affect
00:12:54 21 what happens next; it's just very frustrating.

00:12:58 22 Mr. Dech, even though I don't have my notes,
00:13:01 23 let's start talking about your objections. And before I
00:13:05 24 do that, Ms. Greenwood, will somebody recite for the
00:13:08 25 record the Guideline Calculations as presently

00:13:11 1 calculated.

00:13:17 2 MS. GREENWOOD: The Presentence Report,
00:13:18 3 there's a base offense level of 22. Specific offense
00:13:23 4 characteristics -- do you want the guideline cited?

00:13:28 5 THE COURT: What's the total base offense
00:13:30 6 level as you've presently calculated it?

00:13:33 7 MS. GREENWOOD: The total offense level as
00:13:35 8 presently calculated is a 34.

00:13:38 9 THE COURT: Criminal History Category of I,
00:13:43 10 so what's the Guideline Range?

00:13:45 11 MS. GREENWOOD: Criminal History Category I.
00:13:54 12 The guideline range of 151 to 188 months.

00:14:00 13 THE COURT: And, counsel, does that conform
00:14:02 14 to your understanding of the present calculation of the
00:14:07 15 guideline range?

00:14:08 16 MS. RICE: Your Honor, that is what is in
00:14:14 17 the Pretrial Services Report; however, there was a plea
00:14:17 18 agreement between the parties which the United States is
00:14:20 19 bound within the guideline range of the plea agreement,
00:14:22 20 and that guideline range is 63 to 78 months.

00:14:27 21 THE COURT: And that's not binding on me?

00:14:30 22 MS. RICE: Correct, Your Honor.

00:14:31 23 THE COURT: Mr. Dech, would you agree with
00:14:32 24 both that statement as well the Guideline Range as
00:14:38 25 presently calculated?

00:14:39 1 MR. DECH: Yes, I would, Judge.

00:14:40 2 THE COURT: Okay. Let's turn to your
00:14:42 3 objections.

00:14:44 4 MS. GREENWOOD: Your Honor, the guideline
00:14:46 5 range is limited to 120 months, ten years.

00:14:50 6 THE COURT: That's the statutory maximum?

00:14:53 7 MR. DECH: Judge, if I may, my objection
00:14:55 8 goes to the offenses. Judge, my objections that I put
00:15:07 9 forth basically comport to the plea agreement between
00:15:11 10 the parties which is nonbinding on the Court. And for
00:15:14 11 those reasons I filed those objections. I would ask the
00:15:18 12 Court to follow the plea agreement, to go to a total
00:15:22 13 offense level before acceptance of a Level 29, and then
00:15:25 14 granting a three-level departure for acceptance, which
00:15:29 15 the Government would make the appropriate motion to do
00:15:31 16 so.

00:15:36 17 THE COURT: Myrna, may I see your copy of
00:15:40 18 the plea agreement?

00:15:42 19 MS. RICE: Your Honor, just to interrupt,
00:15:44 20 it's a 20-year statutory max, not a ten-year statutory
00:15:47 21 max.

00:15:52 22 THE COURT: Basically do you have any
00:15:54 23 substantive objections at all?

00:15:55 24 MR. DECH: Other than that, no, Your Honor.

00:16:04 25 THE COURT: I'll be quite candid with you

00:16:06 1 before I turn to the matter of allocution and
00:16:09 2 mitigation. I think that the Plea Agreement
00:16:12 3 substantially understates the appropriate sentence in
00:16:16 4 this case. As I understand the circumstances, and quite
00:16:21 5 candidly, I read both of the Presentence Reports and the
00:16:29 6 various memoranda, victim statements and so forth, I
00:16:33 7 believe, quite carefully and thoroughly. That's why I'm
00:16:37 8 frustrated by not having my notes which summarize
00:16:40 9 various points that I consider to be salient about this
00:16:44 10 case and the need for more substantial and severe
00:16:48 11 punishment in my view. I tell you both that so that you
00:16:51 12 can address that in your remarks to me. I know that
00:16:56 13 both of you are bound to urge a sentence within that
00:17:02 14 outlined in the plea agreement.

00:17:05 15 So that you can speak directly to my
00:17:08 16 impressions, let me try to recite those that I can
00:17:12 17 recall:

00:17:13 18 Eight of the ten designated victims were
00:17:18 19 under age. They were minors. Some, according to my
00:17:22 20 understanding, as young as 14 when they came over here.

00:17:27 21 This defendant played a very active role,
00:17:30 22 particularly with the minor defendants, in accomplishing
00:17:34 23 their illegal entry into this country. She held herself
00:17:38 24 out falsely to be an appropriate companion or custodian
00:17:42 25 for underage individuals which resulted in her being

00:17:50 1 able successfully to get them into this country.

00:17:54 2 It's my understanding from the Presentence
00:17:56 3 Report that in the absence of the principal defendant,
00:18:02 4 Mr. Castillo-Serrano, she basically oversaw the
00:18:07 5 operation, which included conditions that I previously
00:18:17 6 referred to being reminiscent of Aleksandr Solzhenitsyn
00:18:24 7 from 30 or 40 years ago about conditions in the Russian
00:18:30 8 Gulag. That is an overstatement, clearly; however,
00:18:38 9 confining individuals -- and that's the best and most
00:18:41 10 apt term, the way in which they were kept, they were
00:18:45 11 kept separate and apart in clusters upwards of 40 people
00:18:52 12 within the particular trailer, I think there were six
00:18:55 13 trailers. She was fully cognizant of those conditions,
00:19:02 14 tolerated them, did nothing apparently to change them.

00:19:07 15 To back up, she was involved in enticing,
00:19:10 16 the correct word for what happened here, by false
00:19:13 17 pretenses and representations to the families of these
00:19:19 18 children. She was involved in the recruitment of these
00:19:35 19 minors and children in Guatemala with promises of good
00:19:39 20 work and an education; neither of which, of course,
00:19:43 21 occurred.

00:19:45 22 The working conditions were appalling. The
00:19:48 23 working hours were without any regard to what the law
00:19:55 24 permits and requires. She may not have shared in the
00:20:04 25 so-called rent -- I assume she did not -- of upwards of

00:20:10 1 \$4,500 a month. And correct me if I'm wrong about that.
00:20:14 2 That was deducted from the paychecks that these
00:20:19 3 individuals received.

00:20:22 4 She was involved, according to my
00:20:24 5 understanding, to some extent in the cashing of the
00:20:27 6 checks at a grocery store or whatever. I don't know
00:20:32 7 the extent to which she may have kept the proceeds. I'm
00:20:36 8 willing to assume it may have been modest, if at all.
00:20:39 9 It's quite clear to me that the other defendant was the
00:20:41 10 principal actor in this, but she certainly was a fully
00:20:45 11 engaged, fully committed, and fully active participant
00:20:51 12 in what fairly and accurately -- what euphemistically is
00:20:57 13 called forced labor. I call it slavery because that's
00:21:00 14 what it was. And to accept the plea agreement
00:21:05 15 recommendation I think would be a manifest injustice and
00:21:09 16 woefully understate the nature of the offense and this
00:21:12 17 Defendant's role in it. She was a principal
00:21:17 18 participant. She was actively involved. She was not a
00:21:20 19 bystander. From recruitment, to entry, to oversight she
00:21:27 20 was actively involved in circumstances that are simply
00:21:37 21 unimaginable.

00:21:41 22 I intend at some point to read substantial
00:21:45 23 portions of the offense into the record so they're
00:21:47 24 publicly known and available. The summary that I've
00:21:50 25 just given does not do them justice. They're not nearly

00:21:58 1 a sufficiently full and substantial enough depiction of
00:22:01 2 what this defendant and the others in this case were
00:22:04 3 involved in.

00:22:07 4 I want you to understand that clearly and
00:22:15 5 completely. That's my mindset reading these materials
00:22:20 6 and thinking about this sentencing and the other one I
00:22:22 7 have this morning. I know she has no prior criminal
00:22:26 8 record, but that, quite candidly, I think, is
00:22:33 9 immaterial. I think that the need for public deterrence
00:22:42 10 is as substantial as it is in any case that I've had
00:22:45 11 with the exception of a couple. I don't know whether
00:22:49 12 this goes on extensively or if this is a one-time deal.
00:22:55 13 If it goes on at all anywhere in this country, I want
00:23:00 14 those who are culpable to understand when they are
00:23:03 15 called to the bar of justice in a Federal Court, they
00:23:07 16 will be dealt with appropriately. And I am not a
00:23:17 17 retributivist on the whole, but I think that theory has
00:23:20 18 some role to play in this case. The overriding
00:23:29 19 sentencing purpose in my view that must be served in
00:23:32 20 this case is public deterrence. I hope that the
00:23:37 21 government makes the sentences in these cases known
00:23:42 22 broadly and extensively to everybody and anybody who
00:23:48 23 might in any way be engaged in, know about, condone, or
00:23:56 24 tolerate the crimes that this woman and her confederates
00:24:05 25 and co-conspirators committed.

00:24:10 1 I know, Mr. Dech, I've given you a very
00:24:13 2 tough road to hoe, but I think you've been in front of
00:24:16 3 me often enough to know I try to express at the outset
00:24:20 4 of every sentencing how I view the case and what's on my
00:24:23 5 mind.

00:24:27 6 Let me hear first from the Government, then
00:24:30 7 I will hear from you and your client, Mr. Dech. I
00:24:32 8 understand the government is bound by its commitment
00:24:35 9 under the Plea Agreement to urge me to remain within the
00:24:39 10 limits, and the Government's obviously free to invite my
00:24:46 11 comments to urge me to do so.

00:24:48 12 MS. RICE: Thank you, Your Honor. I'll
00:24:49 13 start where you left off, which is: Yes, the United
00:24:53 14 States is bound by the Plea Agreement, which by the Plea
00:24:58 15 Agreement's calculations there is a guideline range of
00:25:01 16 63 to 78 months. So we understand the Court has full
00:25:05 17 discretion to sentence as appropriate, and we simply ask
00:25:10 18 that a high end of the guideline sentence be imposed, at
00:25:16 19 least.

00:25:16 20 Your Honor, I'm going to touch upon why we
00:25:18 21 believe that is sufficient but not greater than
00:25:22 22 necessary, and I'd like to start with, I think, what
00:25:28 23 best encompasses this defendant is that she lied over
00:25:31 24 and over again to the benefit of herself, to the benefit
00:25:35 25 of her then-boyfriend Aroldo Castillo-Serrano, and to

00:25:41 1 the severe detriment of these juvenile victims.

00:25:44 2 Your Honor, as you pointed out, she lied to
00:25:47 3 the families, she lied to these minors, and she lied to
00:25:52 4 the Federal Government in order to obtain custody of
00:25:55 5 these minors. She told them that they would be safe,
00:25:59 6 they would receive education, they would be looked
00:26:02 7 after, and they would be taken care of. She swore
00:26:08 8 out --

00:26:09 9 THE COURT: And earn a decent wage.

00:26:11 10 MS. RICE: I'm sorry, Your Honor?

00:26:13 11 THE COURT: And they would earn a decent
00:26:14 12 wage.

00:26:15 13 MS. RICE: Correct, Your Honor. And she
00:26:16 14 used aliases and false identities with the Office of
00:26:20 15 Refugee Resettlement in order to gain custody of these
00:26:24 16 juveniles. She recruited other individuals to lie to
00:26:27 17 the Federal Government to obtain custody of these
00:26:30 18 juveniles, and then instead of taking them to school, to
00:26:33 19 medical facilities, to have a decent living, she brought
00:26:39 20 them to these trailers where they were forced to work
00:26:42 21 extremely long hours in poor conditions and not be paid.
00:26:48 22 Your Honor, she played the role of overseeing these
00:26:51 23 juveniles at the trailer park, taking control of their
00:26:56 24 paychecks, and then, as Your Honor pointed out, cashing
00:27:00 25 these paychecks and sending the money back to Aroldo

00:27:06 1 Castillo-Serrano in Guatemala.

00:27:09 2 THE COURT: If I can interrupt, does the
00:27:11 3 Government have an estimate of how much the Defendants
00:27:16 4 collectively, and I would assume it's principally Mr.
00:27:21 5 Castillo-Serrano, wound up pocketing on a monthly basis
00:27:25 6 or weekly or between the rent and the -- et cetera?

00:27:31 7 MS. RICE: Your Honor, because of the
00:27:32 8 different aliases and the different check cashing stores
00:27:37 9 that were used, we can't give you a concrete figure, but
00:27:40 10 the amount of about \$4,500 a month in rent is correct.

00:27:45 11 THE COURT: Quote, rent?

00:27:46 12 MS. RICE: Correct. Quote, rent. We do
00:27:49 13 know that it was -- approximately \$15,000 was the
00:27:53 14 smuggling fee for each of these juveniles.

00:27:57 15 THE COURT: Apparently it varied from \$6,000
00:28:00 16 that they could pay up front, which I imagine few could,
00:28:03 17 to \$15,000. And, of course, we'll get to the whole deed
00:28:06 18 issue with the next defendant.

00:28:08 19 MS. RICE: Yes, Your Honor. So no, we don't
00:28:10 20 have a specific figure, but we do know that these
00:28:13 21 juveniles did not receive the money that they were given
00:28:17 22 for their work at the egg farm. And something that is
00:28:22 23 especially significant with this defendant is she not
00:28:25 24 only lied to obtain custody of the minors, lied to them,
00:28:29 25 to their families, but once she learned that the

00:28:32 1 government was aware of this human trafficking
00:28:36 2 conspiracy, she and her coconspirator, Aroldo
00:28:43 3 Castillo-Serrano, devised a scheme where they would tell
00:28:49 4 Aroldo Castillo-Serrano's son, who played a role at the
00:28:51 5 trailer park, to lie to the Federal Government. And
00:28:53 6 then this defendant herself in a very lengthy interview
00:28:57 7 with the Federal Bureau of Investigation in which she
00:29:00 8 was there voluntarily, aware of the role of the Federal
00:29:06 9 Bureau of Investigation, denied a number of facets of
00:29:09 10 her involvement in this conspiracy.

00:29:11 11 THE COURT: Denied --

00:29:12 12 MS. RICE: -- a number of things regarding
00:29:14 13 her role in this conspiracy.

00:29:15 14 So, Your Honor, she not only lied to obtain
00:29:17 15 custody of the minors, lied to them, but she lied when
00:29:21 16 she was caught.

00:29:22 17 THE COURT: And she also lied to the extent
00:29:25 18 she was involved in recruitment.

00:29:27 19 MS. RICE: Correct, Your Honor. So
00:29:31 20 certainly, Your Honor, we believe that a sentence at the
00:29:37 21 high end of our Guideline Range is appropriate, and we
00:29:40 22 defer to the Court regarding whether to follow the Plea
00:29:44 23 Agreement or not, given this defendant's role.

00:29:47 24 We also would ask, as with the other
00:29:49 25 defendants that were convicted of the human trafficking

00:29:52 1 offense, if she is found not to be indigent, which she
00:29:57 2 may be indigent, so this may not be applicable, that
00:30:00 3 there's a \$5,000 additional special assessment. If she
00:30:04 4 is indigent, that does not apply.

00:30:07 5 THE COURT: I'm willing to assume that she
00:30:08 6 is. I mean, she will be in prison; she'll have no
00:30:14 7 access to whatever proceeds she may herself have
00:30:17 8 generated. I think as a practical matter the likelihood
00:30:21 9 that she will ever pay the restitution obligation is
00:30:29 10 very slight. And, of course, she'll be remanded to the
00:30:33 11 custody of Immigration Customs Enforcement upon release
00:30:37 12 from imprisonment for deportation forthwith back to
00:30:40 13 Guatemala. So I think --

00:30:42 14 MS. RICE: And we would believe that as
00:30:44 15 well, Your Honor. I just wanted to make sure the record
00:30:47 16 was clear as to the special assessment.

00:30:49 17 And you referenced restitution. I know that
00:30:53 18 Conrado Salgado Soto, who was sentenced in April, was
00:30:57 19 ordered to pay restitution jointly and severally for the
00:31:01 20 back pay. We verified with the Clerk's office that
00:31:04 21 almost the entirety of that restitution has been paid --

00:31:06 22 THE COURT: Really?

00:31:08 23 MS. RICE: -- to date. So we would ask the
00:31:11 24 Court for any outstanding restitution amounts that are
00:31:15 25 owed, that she be ordered to pay joint and severally as

00:31:18 1 well. For the record, that amount of back pay wages is
00:31:26 2 \$62,482.

00:31:32 3 THE COURT: Counsel, do you have a copy of
00:31:34 4 the plea agreement?

00:31:35 5 MS. RICE: I do, Your Honor. Would you like
00:31:40 6 me to approach?

00:31:41 7 THE COURT: Please. Why don't you just show
00:31:43 8 it to Mr. Dech to confirm that that's it.

00:32:05 9 (Document is given to the Judge.)

00:32:08 10 THE COURT: I do have one question. One of
00:32:10 11 the victim impact statements indicates that \$2,300 was
00:32:14 12 seized from that individual. Do you know what's
00:32:24 13 happened to that? Has he gotten that money back?

00:32:26 14 MS. RICE: Yes, Your Honor. In one of our
00:32:28 15 supplemental sentencing memorandums we indicated the
00:32:31 16 status, that we have reached out to his attorney. We've
00:32:34 17 been in contact with his attorney, and are coordinating
00:32:40 18 having that money returned. We also have reviewed other
00:32:44 19 items that were seized during the searches of other
00:32:47 20 victims and have notified each of the victims regarding
00:32:50 21 their personal property to have it returned.

00:32:58 22 The last thing I would like to mention, I
00:33:01 23 know we read into the record at the last sentencing
00:33:03 24 hearing in April a number of the victim impact
00:33:05 25 statements. And, in fact, two of the minor victims were

00:33:08 1 present, including victim number 6. And I just refer to
00:33:14 2 his victim impact statement because he specifically
00:33:16 3 names this Defendant in his victim impact statement and
00:33:21 4 expressed his concern and worry of his and his family's
00:33:26 5 safety because he trusted her.

00:33:31 6 THE COURT: I think they -- whether they
00:33:32 7 provided victim impact statements or not, appeared in
00:33:36 8 court or not, they clearly have expressed uniformly
00:33:40 9 apprehension for their own welfare and even more
00:33:45 10 significantly that of their families. And there's
00:33:49 11 simply no way -- anything we can do to protect their
00:33:51 12 families from whatever retribution might be forthcoming.
00:33:55 13 Again, I think that too is a consideration that causes
00:34:00 14 me to look elsewhere in the plea agreement for an
00:34:06 15 appropriate sentence in this case to the extent that
00:34:11 16 incapacitation will serve a useful purpose in particular
00:34:16 17 in protecting these minors, any of the victims, and
00:34:19 18 their families. That may not have much of an effect,
00:34:26 19 but to the extent it might, I think that's also a factor
00:34:29 20 for me to consider.

00:34:30 21 MS. RICE: Your Honor, the last thing I
00:34:31 22 would ask is there were some additional victim impact
00:34:34 23 statements submitted since the last sentencing hearing.
00:34:37 24 Victim number 1 from the indictment speaks more directly
00:34:41 25 to Aroldo Castillo-Serrano. At some point I would like

00:34:46 1 to read this into the record. Whether it's now or
00:34:48 2 during his sentencing hearing, I'll defer to the Court.

00:34:52 3 THE COURT: Probably during his sentencing
00:34:54 4 hearing.

00:34:54 5 MS. RICE: Thank you, Your Honor. And then
00:34:58 6 there were the other six that were translated from
00:35:00 7 Spanish to English. I just wanted to make sure the
00:35:03 8 Court received those.

00:35:03 9 THE COURT: I have yet to do so. I just got
00:35:06 10 them this morning. I will do so in a moment.

00:35:08 11 MS. RICE: Thank you, Your Honor.

00:35:09 12 THE COURT: In fact, why don't I do that
00:35:14 13 right now. It may take a moment -- it may take several
00:35:21 14 moments. I got theses from the probation officer this
00:35:36 15 morning. And I will have them made a part of the -- a
00:35:40 16 copy made a part of the Presentence Report.

00:35:43 17 Mr. Dech, have you seen -- in fact, why
00:35:46 18 don't we simply have this marked for purposes of this
00:35:50 19 proceeding as Exhibit A.

00:35:52 20 MR. DECH: Yes, Your Honor, I received it.

00:35:53 21 THE COURT: Court Exhibit A. DeAnna, if
00:35:55 22 you'll mark that.

00:35:56 23 MR. DECH: I received and reviewed those.

00:36:30 24 (Exhibit A is marked.)

00:38:55 25 (A short pause.)

00:50:53 1 THE COURT: I have completed reading the
00:50:57 2 addition statements and note that they principally
00:50:59 3 relate to the other defendant who is going to be
00:51:02 4 sentenced later. Although there is some reference from
00:51:06 5 one of the victims to this defendant having -- he was
00:51:08 6 able to purchase a car. She had it put in her name,
00:51:18 7 then he basically lost it. Do I read that correctly?
00:51:22 8 It was the second or third -- maybe the first victim
00:51:26 9 statement.

00:51:26 10 MS. RICE: Your Honor, I believe it was
00:51:27 11 another female, not this Defendant.

00:51:29 12 THE COURT: Pardon me.

00:51:30 13 MS. RICE: It was another female who had the
00:51:32 14 car put in her name, not this Defendant.

00:51:34 15 THE COURT: Okay. Mr. Dech, let's start
00:51:43 16 with my initial statement in which I described my
00:51:46 17 reaction to what I read in the factual basis and the
00:51:50 18 Plea Agreement and the Offense Conduct portion of the
00:51:56 19 Presentence Report and the victim impact statements with
00:52:01 20 regard to the factual basis for my views. Is there
00:52:03 21 anything that I have misapprehended in terms of the
00:52:09 22 enticement in which she was involved in Guatemala; her
00:52:15 23 active role in unlawfully and illegally representing
00:52:22 24 herself as an appropriate person to bring these minors
00:52:26 25 into this country; the role she played, sort of a

00:52:32 1 co-overseer or the overseer when the principal defendant
00:52:38 2 was not on the premises, what, in essence, according to
00:52:45 3 my understanding of the Presentence Report, was the
00:52:48 4 captivity in which many of the victims were held? And
00:52:53 5 that place of that confinement was a set of trailers,
00:52:59 6 six, I believe, conditions that can only be described as
00:53:05 7 inhumane and despicable in the extreme; at most a space
00:53:11 8 heater in the winter; apparently at least one of the
00:53:14 9 trailers had no heat whatsoever; vermin infested, odor
00:53:20 10 of manure, toilets that didn't work. And then the theft
00:53:27 11 of the income that they, in fact, earned; the seizure of
00:53:34 12 their paychecks upwards of \$100, up to \$450. The
00:53:41 13 charging monthly of about \$4,500 worth of rent, close
00:53:47 14 quote.

00:53:53 15 Is there anything in how I have described
00:53:56 16 those circumstances relative to the factual basis for
00:54:01 17 that description as found in the Presentence Report in
00:54:06 18 the statement of the Factual Basis in the Plea
00:54:12 19 Agreement? If so, tell me; disabuse me.

00:54:16 20 MR. DECH: I'm sorry, Judge.

00:54:17 21 Judge, I would first note that I don't
00:54:20 22 believe and Ms. Pedro Juan was not enticing people to
00:54:25 23 come from Guatemala. She did sign the documents in
00:54:29 24 which she said she'd be the caretaker for the minor
00:54:32 25 parties while she was in the State of Ohio. That was

00:54:34 1 after she moved here, I believe. And --

00:54:37 2 THE COURT: I thought one of the victim
00:54:39 3 impact statements indicated that she -- one of the
00:54:43 4 victims, she was related to him in one way or another.

00:54:51 5 MR. DECH: If I can have one moment, Your
00:54:53 6 Honor.

00:54:53 7 THE COURT: Again, counsel -- let me ask the
00:54:55 8 Government. Have I misstated my understanding of the
00:55:00 9 factual situation or circumstances as detailed in the
00:55:06 10 Presentence Report, the victim impact statements, and
00:55:10 11 the Factual Basis in the Plea Agreement?

00:55:13 12 MS. RICE: Your Honor, first of all, she was
00:55:15 13 not in Guatemala at the time of the enticement.

00:55:19 14 THE COURT: I was wrong about that. Thank
00:55:21 15 you.

00:55:21 16 MS. RICE: However, the evidence shows she
00:55:23 17 was aware and spoke with Aroldo Castillo-Serrano about
00:55:27 18 this plan to start recruiting minors. And then it would
00:55:32 19 be easier to come in -- get into the United States, and
00:55:34 20 then she could take custody of them from the Office of
00:55:38 21 Resettlement. So she was aware of the --

00:55:40 22 THE COURT: She was complicit in what was
00:55:42 23 going on --

00:55:43 24 MS. RICE: Correct, Your Honor.

00:55:43 25 THE COURT: -- knew these individuals were

00:55:45 1 being recruited by the principal defendant?

00:55:48 2 MS. RICE: Correct.

00:55:50 3 THE COURT: And obviously actively
00:55:52 4 participated with at least some of them in getting them
00:55:55 5 in this country when otherwise they would not have been
00:55:59 6 able to do so.

00:56:00 7 Go ahead.

00:56:01 8 MR. DECH: Yes, thank you, Judge.

00:56:03 9 Judge, I would note that she admits to
00:56:05 10 signing the documents with the appropriate government
00:56:09 11 authority to be the caretaker.

00:56:11 12 As it relates to my client's role while she
00:56:14 13 was here in the State of Ohio, in speaking with her she
00:56:17 14 too was frightened, as were the victims of Aroldo. She
00:56:22 15 states that she was following orders from him. She paid
00:56:25 16 \$13,000 for a smuggling fee to come to the United
00:56:30 17 States. As soon as she got to the United States, she
00:56:32 18 was told of a job where she would be a
00:56:34 19 housekeeper/nanny. And rather that she was held in her
00:56:41 20 own captivity in the home where she was sexually
00:56:43 21 assaulted. She was actually taken by Aroldo out of that
00:56:48 22 home, and there were plans to go to the state of Iowa.
00:56:52 23 Then she too worked in these farms and also in a Mexican
00:56:56 24 restaurant. And in furthering this, she would receive
00:57:00 25 the monies from the parties and then cash the checks and

00:57:04 1 then directly send all of the money to Guatemala where
00:57:07 2 she did not profit from them like Aroldo did in this
00:57:13 3 manner. So we would ask the Court to consider that as a
00:57:18 4 factual basis for it. She was complicit, but not to the
00:57:22 5 extent of the other parties. She was more of a courier.

00:57:26 6 THE COURT: But she chose to continue to
00:57:28 7 engage in those activities, correct?

00:57:30 8 MR. DECH: She did engage in those
00:57:31 9 activities while she was also still working on the
00:57:35 10 farms, Your Honor, as were the other parties.

00:57:38 11 THE COURT: Go ahead.

00:57:39 12 MR. DECH: Thank you, Judge. Judge, as I
00:57:41 13 previously stated, she came to this country illegally.
00:57:46 14 She paid \$13,000 for a smuggling fee. She was first in
00:57:51 15 Houston. She had desires or dreams to go to the state
00:57:57 16 of Michigan to work with her cousin. However, she ended
00:58:02 17 up in the State of Ohio. She worked at Trillium Farms
00:58:06 18 for a period of time where she received a very nasty
00:58:09 19 burn on her hand and was unable to continue in her work
00:58:13 20 there. She also worked in a Mexican restaurant as a
00:58:17 21 server, then was working at Highland Farms. So
00:58:22 22 throughout this she maintained her employment, similar
00:58:25 23 to the other parties.

00:58:27 24 As it relates to what she did, she states
00:58:31 25 that she, too, was scared of Aroldo. She was frightened

00:58:36 1 of him. She took the monies, cashed the checks, then
00:58:40 2 forwarded the money back to Guatemala. So she did not
00:58:44 3 receive some type of escalated pay as a result of her
00:58:48 4 activities.

00:58:55 5 As stated, she was sexually assaulted. She
00:58:58 6 admits lying to the FBI. She met with them and admits
00:59:03 7 to her participation in that.

00:59:08 8 There was some talk about an offering of
00:59:11 9 jobs that came from my client. Judge, she states that
00:59:15 10 Aroldo was responsible for that and that her
00:59:18 11 participation was she signed the documents with the
00:59:22 12 government agencies, and then also she did collect the
00:59:25 13 money and send all the money back to Aroldo in
00:59:30 14 Guatemala.

00:59:32 15 Judge, she realizes that she will be
00:59:35 16 immediately deported following the sentence in this
00:59:38 17 matter. She also understands that if she were to come
00:59:41 18 back to the United States after her exclusion from the
00:59:44 19 United States, she would be subject to a greater penalty
00:59:49 20 for that crime and also possible supervised release
00:59:54 21 conditions, which I'm sure would include not to reenter
01:00:00 22 the United States illegally.

01:00:01 23 Judge, if the Court were to follow the Plea
01:00:04 24 Agreement and sentence within the guidelines and, as the
01:00:07 25 Government stated, to the higher end of the guidelines,

01:00:09 1 we feel that such a sentence would be sufficient and not
01:00:14 2 greater than necessary, and I believe it would deter
01:00:18 3 others from engaging in this activity.

01:00:25 4 THE COURT: Okay. Ms. Donohue, please
01:00:31 5 inform the defendant she has the right to speak on her
01:00:33 6 own behalf and to urge me to be more lenient rather than
01:00:41 7 more punitive.

01:00:49 8 THE DEFENDANT: It's true everything that
01:00:50 9 the attorney said. I was also a victim, and I suffered
01:00:59 10 as the others did, maybe worse. When I arrived in the
01:01:07 11 United States I was going to go to Michigan -- when I
01:01:12 12 arrived in the United States, I was going to go
01:01:15 13 Michigan, but Aroldo didn't let me go. He said: I
01:01:26 14 looked for a job for you here. In Michigan you're not
01:01:29 15 going to earn enough to pay me back the \$13,000. On the
01:01:42 16 second day his cousin came and he had an American
01:01:46 17 friend, and the friend said that he needed a babysitter.
01:01:56 18 And since my job since I was seven years old in
01:01:59 19 Guatemala, my father made me work, and he had me take
01:02:02 20 care of children, and I liked taking care of children.
01:02:07 21 And I said: Yes, I'll go take care of children here.
01:02:17 22 And so Aroldo called the American, and in the afternoon
01:02:20 23 the American came for me. And he got into my head. He
01:02:35 24 said: Here in the United States we come here to work.
01:02:39 25 Good luck. Do well. And I went with the American in

01:02:46 1 the car. And I was afraid. I didn't know anything. It
01:02:49 2 was my second day in the United States. And the
01:03:03 3 American in the car, he started to ask me questions like
01:03:06 4 if I had lice on my head; if I was sick; if I had a
01:03:10 5 boyfriend; if I was a virgin. A lot of questions. A
01:03:14 6 lot of questions. When I was halfway, he told me: I
01:03:26 7 don't have kids; I don't need a babysitter. It's very
01:03:36 8 painful to remember all of this. I wanted to open the
01:03:46 9 door, but it was locked. And he kept driving in the
01:03:51 10 car. He told me: You're going to be all right. And we
01:03:58 11 arrived at the house. And I saw that there was a big
01:04:08 12 dog at the door. And he put me in the living room. He
01:04:13 13 fixed dinner. And he fed me in the living room. He
01:04:23 14 never took me to the kitchen or the room. I was just
01:04:27 15 always in the living room.

01:04:31 16 And when he came to give me the food, he was
01:04:33 17 carrying a cup of something, glass of something, like of
01:04:37 18 wine. And he said: Drink it. I said: No, it's bad.
01:04:51 19 And he said: No, drink it because you're sick and you
01:04:54 20 need to clean out your stomach with this. You walked in
01:04:58 21 the desert, and you're sick.

01:05:03 22 The second day I was in the living room. I
01:05:06 23 didn't move from there. He would fix the food and
01:05:13 24 everything. I never saw how he would prepare the food.
01:05:16 25 He would make the food. And at night he would give me a

01:05:22 1 glass of wine. I don't know what kind of wine it was,
01:05:29 2 but it made me sleepy and it tasted bitter.

01:05:34 3 The third day I was sitting on the cushion,
01:05:44 4 and I had a thorn in my knee. When I was in the desert
01:05:48 5 I'd gotten a big thorn in my knee. I couldn't get up
01:05:51 6 off the cushion. He said: What's wrong? And I said:
01:05:56 7 Nothing. He says: You have something wrong with you.
01:06:03 8 Let me give you a massage. Let me put a cream on you.
01:06:07 9 I told him no because I was afraid of him. All I did
01:06:12 10 was cry. He said: I'm an attorney; I'm going to fix
01:06:20 11 your papers for me. You can study English on my
01:06:23 12 computer. He said: I don't have a wife; I'm divorced.
01:06:34 13 I've been divorced for eight years. I have three
01:06:37 14 children; one is 15, and the other ones live with their
01:06:43 15 wife -- or mother.

01:06:50 16 On the fourth day he said: You're not
01:06:52 17 staying in the living room anymore. I'm going to give
01:06:55 18 you a room. And I said: All right. I thought maybe it
01:07:01 19 will be a door and he won't go in there with me. But
01:07:08 20 that's not how it was. He went into the room. He had
01:07:11 21 the keys to the door. He had his pajamas on and
01:07:16 22 everything. And he had bought me cloths to sleep in
01:07:21 23 that were transparent. But that time when I slept in
01:07:28 24 that room I didn't change my clothes. I just slept how
01:07:31 25 I was. He came in. I was very afraid, and he told me

01:07:38 1 to take off my clothes. That's when he started to touch
01:07:50 2 me and everything. And I wanted to yell, but his son
01:07:53 3 was sleeping on the second floor. He said: If you
01:08:00 4 yell, I'm going to call Immigration so you'll be
01:08:03 5 deported. He put a rag in my mouth. I couldn't do
01:08:10 6 anything. That's when he touched me and everything.

01:08:15 7 The next day the cousin, Aroldo's cousin,
01:08:23 8 who sent me with him, he came to his house. I said: I
01:08:28 9 don't like it here. I'm going to go with you. And he
01:08:31 10 said: No, he's going to take you. I was there for
01:08:38 11 three more days. And he did everything he wanted to do
01:08:43 12 to me.

01:08:50 13 All that is the big nightmare I had since
01:08:53 14 2012 until I came here. It's not easy for me. After
01:09:06 15 that Aroldo found out I didn't want to be there, and he
01:09:10 16 started calling the American. He put up a big fight for
01:09:14 17 me. I was a virgin and everything, but when the
01:09:26 18 American did what he wanted to do with me, he went and
01:09:29 19 left me there in the trailers. He left me there, and he
01:09:41 20 said: I'm an attorney. If you say anything, I'm going
01:09:45 21 to call Immigration. They're going to have you
01:09:47 22 deported. And I didn't say anything.

01:09:52 23 But a month later I couldn't stand what I
01:09:55 24 was feeling anymore. One night I went behind the
01:10:05 25 trailer. I couldn't have this inside of me anymore. I

01:10:08 1 wanted to get it out of me. I started to look for
01:10:11 2 Aroldo and his nephew and his niece. They found me
01:10:17 3 there crying. Later I told him everything that had
01:10:25 4 happened. But Aroldo didn't do anything. I thought he
01:10:32 5 was going to call the police or something, but he never
01:10:35 6 did anything. What he wanted was the \$13,000.

01:10:43 7 And about a weak later or five days, he
01:10:49 8 found me a job at Trillium Farms, and I worked there.
01:11:03 9 And I don't know how much. Like, in June I had the
01:11:06 10 accident on my hand for working to pay the \$13,000. The
01:11:18 11 managers didn't help me at all. They went to Texas.
01:11:29 12 Aroldo asked for money for me from the contractors
01:11:34 13 saying: Give me \$5,000, and I won't tell the police.
01:11:43 14 The contractor said: Yeah, I'll give it to you. But
01:11:51 15 then he left. He was fired from the job, and he didn't
01:11:54 16 get the \$5,000. And then after that I was sick in my
01:12:10 17 room from what the man did to me. And I kept working,
01:12:13 18 but then I couldn't work anymore, and they took me to
01:12:15 19 emergency.

01:12:16 20 THE COURT: Took her where?

01:12:19 21 THE DEFENDANT: To emergency.

01:12:22 22 And the doctors told me that I had a cyst on
01:12:28 23 my ovary because of the blows that he had given me. I
01:12:41 24 thought you could get cysts from falling or something.
01:12:46 25 But later I started to realize it was because of what

01:12:48 1 the man did to me. I didn't say anything to the doctors
01:12:55 2 because I was afraid that I would be deported.

01:13:08 3 About a year later I started to have some
01:13:11 4 contacts from the consulate for Guatemala in Chicago.
01:13:23 5 And the workers there started giving me some numbers for
01:13:27 6 some people from Columbus. I started to live in
01:13:30 7 Columbus. After what the man did to me, lived in
01:13:34 8 Columbus. I could go there because Aroldo, he was in
01:13:39 9 jail in Marion, Ohio. And I arrived there, and there
01:13:53 10 were some social workers, and I told them my whole story
01:13:57 11 about what the man had done to me. They told me that I
01:14:02 12 didn't have enough evidence, and it had already been a
01:14:08 13 year and that they weren't going to help me. They gave
01:14:12 14 me the number of a detective. And he told me: I work
01:14:22 15 here in Columbus; he couldn't go to Marion, Ohio. He
01:14:37 16 said that I had to go to bring -- I don't know what it's
01:14:40 17 called. He said I had to go to the police in Marion,
01:14:43 18 Ohio to tell them what happened. But I never went.
01:14:48 19 There was nobody to help me.

01:14:55 20 I know that I'm not innocent. I acknowledge
01:15:00 21 that. But I helped two minors, not eight, not nine,
01:15:11 22 that I signed so they could go to school. I know that.
01:15:23 23 God knows this. I never offered them jobs; I never
01:15:27 24 offered them a salary; I never did the business.
01:15:31 25 Aroldo is the one who did the business. It's true that

01:15:42 1 I signed for custody of two of the minors, one who was
01:15:48 2 for the cousin, Aroldo's nephew; and my cousin came
01:15:56 3 because he didn't want to go to school, but he wanted to
01:16:01 4 go live with his cousin. I called the social workers,
01:16:08 5 the ones who had talked to Immigration or -- I don't
01:16:11 6 know. I told them he wasn't with me anymore, that he
01:16:17 7 went with his cousin. And they said that they -- they
01:16:30 8 told me they were going to come visit him, and they
01:16:32 9 agreed they were going to call me, and they had my
01:16:35 10 telephone number, but they never called me.

01:16:54 11 It said that the trailers were in bad
01:16:56 12 condition and they weren't repaired. How was I going to
01:16:59 13 repair them if they weren't mine and I didn't have money
01:17:03 14 either? I don't have any money. I never made any
01:17:11 15 money. According to me, I was helping them. According
01:17:20 16 to me, for me I was doing them a favor without knowing
01:17:23 17 it was against the law. I wrote a letter. I don't know
01:17:37 18 what time it can be read.

01:17:41 19 THE COURT: I didn't hear what she just
01:17:42 20 said, Ms. Donohue.

01:17:44 21 THE DEFENDANT: I wrote a letter. I don't
01:17:47 22 know at what time it can be read.

01:17:49 23 THE COURT: Now .

01:18:13 24 THE DEFENDANT: Hello, Your Honor. Thank
01:18:21 25 God for allowing us to have one more day of life for

01:18:24 1 each one of us. I apologize 1,000 times for daring to
01:18:35 2 write you this simple paper. The reason is the
01:18:39 3 following: I ask you from all my heart to have pity on
01:18:49 4 me, please. I am very sorry for all of these things
01:18:55 5 that I did, for not having knowledge of the law. For me
01:19:06 6 always helping them when I was doing them all of these
01:19:11 7 favors, without knowing that I was making a big mistake.
01:19:22 8 In reality I didn't know about the laws or all of the
01:19:26 9 consequences that could occur after all of these things
01:19:29 10 that I ended up doing. Aroldo, Conrado, and Pablo, they
01:19:42 11 knew all of the laws. But they didn't tell me anything,
01:19:49 12 and they kept doing their business, and they never
01:19:52 13 stopped any of these things. They were the ones who
01:19:57 14 made money, and not me. I never even made one dollar.
01:20:07 15 Aroldo knows all of this perfectly well. He knew that
01:20:15 16 all I did was do favors. None of the ones who are
01:20:29 17 accusing me made any deal with me. But before they came
01:20:35 18 here, they made a deal with Aroldo.

01:20:43 19 Like I said, I know I'm not innocent. But
01:20:49 20 not all the things that they have said have been true.
01:20:56 21 I never forced them to work. I was never behind them 24
01:21:02 22 hours a day. I lived in Columbus. When one didn't
01:21:09 23 work, Aroldo was the one who told me: Call Conrado; I
01:21:20 24 have to talk to him. And I would do the transfers
01:21:24 25 sometimes. And Conrado would give them the complaint:

01:21:33 1 Your worker is not working. And Aroldo in the
01:21:40 2 afternoon, he would talk to the workers. He would talk
01:21:46 3 on the phone. I don't know what he would say. But when
01:22:09 4 Aroldo's son arrived, he was the one who would see
01:22:15 5 everything.

01:22:23 6 Sometimes I would send him money, but the
01:22:26 7 one who would deliver the money for food and the rides
01:22:30 8 and everything, that was the son.

01:22:38 9 This is my first time in jail. I've never
01:22:42 10 had trouble with anybody, not in Guatemala either. I
01:22:50 11 don't even know the jails in Guatemala. I know that my
01:23:00 12 case is very different from other people. I've never
01:23:11 13 stolen. I've never hit much less killed anybody. I
01:23:27 14 don't have the vice of alcohol or drugs, those things
01:23:31 15 that ruin people. And the jail will -- I've never --
01:23:35 16 while in the jail I've seen how those things affect
01:23:38 17 people since I've been in jail.

01:23:49 18 Your Honor, as you can see, since I was
01:23:51 19 little I know how to learn from mistakes, and I know how
01:23:54 20 to not do it again. And like I said before, I apologize
01:24:06 21 to you, to the state, and to all the people involved in
01:24:09 22 the law. All of these things will not happen again.
01:24:28 23 Because being in jail is very hard. I don't know what
01:24:31 24 my next step is that I have to take now.

01:24:36 25 These are my few words. Thank you very much

01:24:42 1 for your attention and your time. God bless you and
01:24:52 2 give you more wisdom to resolve every case of the
01:24:57 3 people. Thank you.

01:25:03 4 THE COURT: Anything further from the
01:25:04 5 defendant?

01:25:31 6 THE DEFENDANT: That I'm afraid of Aroldo
01:25:33 7 also. After my deportation, I don't know where I'm
01:25:36 8 going to go. One day when he was in jail in Oklahoma I
01:25:47 9 heard him talking to his son. The son had the -- the
01:26:04 10 son went to talk with him outside, but he had the
01:26:06 11 telephone on speaker. I was at the window, and I could
01:26:14 12 hear everything that he was saying. And he said:
01:26:28 13 Behave yourself with her. Anything she asks for, a
01:26:31 14 favor or anything, don't deny her anything. I'm in
01:26:34 15 jail. He said: If she calls the police, I can go to
01:26:49 16 prison; I can do more time. And you know I don't play
01:26:53 17 around. Her family is in Guatemala. He's very
01:26:58 18 vengeful. That's why I'm thinking now that I don't know
01:27:09 19 what's going to happen.

01:27:16 20 All this -- these businesses didn't start in
01:27:19 21 2014. What I've thought about is that he was bringing
01:27:32 22 minors over before, not just up until now. All the
01:27:38 23 people that I met when I arrived, a lot of them have
01:27:45 24 gone back to Guatemala. This business of his he started
01:27:58 25 maybe 12 or 13 years ago, not just now. This isn't

01:28:01 1 something new. This has always been his business. He
01:28:20 2 was always going to Guatemala, and he would always leave
01:28:23 3 somebody, somebody. He would name somebody, but he
01:28:26 4 never named me. He never said: You stay here and take
01:28:31 5 care of this. He never named me. He never told me
01:28:34 6 that. I think that that's all.

01:28:43 7 THE COURT: I have several questions of the
01:28:45 8 Government. And I'll try to ask them in some sort of
01:28:49 9 order.

01:28:50 10 First of all, it's my understanding, correct
01:28:55 11 me if I'm wrong, that there's a federal offense of
01:28:57 12 harboring an illegal immigrant. Is that correct?

01:29:01 13 MS. RICE: That's correct, Your Honor.

01:29:03 14 THE COURT: Five year statute of
01:29:05 15 limitations?

01:29:06 16 MS. RICE: Depending on certain
01:29:08 17 enhancements, if it's for profit. The statute of
01:29:12 18 limitations --

01:29:14 19 THE COURT: Right.

01:29:15 20 MS. RICE: Yes, Your Honor.

01:29:16 21 THE COURT: Has the government undertaken,
01:29:18 22 in light of her allegations about her treatment -- let
01:29:22 23 me ask you this: According to your understanding of the
01:29:27 24 law regarding harboring an illegal alien, do the
01:29:33 25 conditions as she described them this morning to which

01:29:37 1 she was subjected by a person purporting -- holding
01:29:42 2 himself out to be a lawyer, would that constitute --
01:29:45 3 again, to your understanding -- harboring as defined in
01:29:51 4 the statute? All I know is that there is such a
01:29:55 5 statute; I don't know what the element are.

01:29:57 6 MS. RICE: Right, Your Honor. Let me back
01:29:59 7 up a little bit before I answer that and say that the
01:30:01 8 amount of detail that was provided by the defendant
01:30:04 9 today is not what she provided in either of her previous
01:30:07 10 FBI interviews, one that lasted four to five hours. Nor
01:30:11 11 is it -- was it provided to Pretrial Services. So this
01:30:17 12 is all information that we're hearing for the first time
01:30:19 13 just today at her sentencing hearing, Your Honor.

01:30:21 14 THE COURT: Well, you've answered my second
01:30:23 15 question, which is how much of what she just told me did
01:30:29 16 she tell at some previous -- on some previous time to
01:30:35 17 anybody in the Government to your knowledge.

01:30:37 18 MS. RICE: Very minimal amounts as to what
01:30:40 19 was spoken about today. And, in fact, as I think the
01:30:46 20 defendant stated, there were no police reports filed
01:30:48 21 with Marion or local law enforcement.

01:30:51 22 THE COURT: Candidly, I think that's
01:30:53 23 understandable --

01:30:53 24 MS. RICE: Certainly, Your Honor.

01:30:54 25 THE COURT: -- because of deportation.

01:30:58 1 Let me simply say, obviously I leave this to
01:31:00 2 the Government whether it wants to pursue anything in
01:31:03 3 that regard with regard to the alleged perpetrator.
01:31:06 4 It's up to it. I was just curious whether the
01:31:11 5 conditions as she described them had been known to
01:31:19 6 Government; and if so, had there been any follow-up.
01:31:22 7 And you've answered that question.

01:31:24 8 MS. RICE: Yes, Your Honor. And to be fair,
01:31:25 9 she had referenced being sexually assaulted. But that
01:31:30 10 was the minimum of what she had stated during the hours
01:31:33 11 of interviews.

01:31:34 12 THE COURT: Mr. Dech, if you want to follow
01:31:38 13 up with the authorities, either federal or state with
01:31:42 14 regard to those allegations, I would consider it
01:31:45 15 entirely appropriate for you to bill your time under the
01:31:49 16 Criminal Justice Act on behalf of your client.

01:31:51 17 MR. DECH: Thank you, Judge. She has talked
01:31:54 18 about this with me before, and it, I think, shows that
01:31:57 19 she came here with great intentions and was victimized
01:32:03 20 herself also by this person and by other parties.

01:32:05 21 THE COURT: Well, let me -- I'm going to
01:32:07 22 read from some portions of the factual basis in the Plea
01:32:12 23 Agreement. And I'm going to ask her if she agrees that
01:32:24 24 those facts are accurate as stated, as she has
01:32:28 25 previously indicated by signing the Plea Agreement. I

01:32:33 1 want to read some excerpts.

01:32:37 2 And by the way, at the conclusion of this
01:32:42 3 proceeding I want to talk to counsel and Ms. Greenwood.
01:32:46 4 I would very much like to have the Offense Conduct
01:32:50 5 portion of the Presentence Report and the Factual Basis
01:32:54 6 of the Plea Agreement both unsealed and filed of record
01:32:59 7 so that they will be publicly accessible to anyone who
01:33:05 8 would care to read what I'm going to lay out. Think
01:33:09 9 about that. But it certainly is something I think would
01:33:12 10 be entirely appropriate so that those who might be
01:33:15 11 interested in finding out what went on to gain an
01:33:20 12 understanding of it in a more complete fashion rather
01:33:25 13 than my recitation of a portion of the factual basis.
01:33:28 14 And/or alternatively I assume I could read all of that
01:33:33 15 into the record, but I think it would be more
01:33:35 16 appropriate to have those portions unsealed, perhaps
01:33:39 17 also part or all of the victim impact statements. I
01:33:43 18 realize that would be an even more delicate question.
01:33:46 19 It might not be appropriate, or there might be some
01:33:48 20 basis for objecting to that.

01:33:51 21 Please don't let me conclude this proceeding
01:33:55 22 without consulting with you on that.

01:34:11 23 In the Plea Agreement which the defendant
01:34:13 24 has signed and is a part of the requirements under Rule
01:34:24 25 11 before any plea can be accepted, as this one has

01:34:29 1 been, there has to be a factual basis for the finding of
01:34:36 2 guilt as to the particular charge or charges. I'm now
01:34:48 3 reading from Paragraph F of the Factual Basis portion:
01:34:52 4 In March, 2013, Castillo-Serrano, the person to whom
01:34:59 5 she's been referring during much of her statement here,
01:35:05 6 returned to Guatemala and Defendant took over the
01:35:10 7 operations at the trailers. From in or about March,
01:35:17 8 2013 to in or about December, 2014, Defendant and
01:35:22 9 Castillo-Serrano spoke regularly by phone and Defendant
01:35:27 10 reported to Castillo-Serrano on the status of the
01:35:32 11 victims. Castillo-Serrano gave Defendant instructions
01:35:37 12 relating to the victims' housing, employment, and
01:35:43 13 confiscation of their paychecks. Defendant monitored
01:35:49 14 the workers and controlled distribution of their pay
01:35:54 15 checks.

01:35:56 16 Starting in or about -- this is now
01:35:58 17 Paragraph G. Starting in or about March, 2014,
01:36:02 18 Defendant aided and abetted Castillo-Serrano in focusing
01:36:12 19 recruitment efforts on the individuals under the age of
01:36:16 20 18, believing them to be easier to bring successfully
01:36:23 21 into the country, easier to control, and harder workers.
01:36:32 22 Castillo-Serrano enticed the victims to come to the
01:36:38 23 United States by promising their parents that they would
01:36:43 24 be able to attend school in the United States.

01:36:57 25 Paragraph H. Defendant falsely represented

01:37:02 1 herself to immigration officials and the minor victims
01:37:07 2 as -- excuse me, as the minor victims' relative and/or
01:37:12 3 family friend in order to have the minor victims,
01:37:17 4 plural, released to Defendant's custody. She also
01:37:21 5 arranged for other individuals to do the same, paying
01:37:27 6 them money in exchange for their false statements to
01:37:31 7 immigration officials. In doing so, Defendant and the
01:37:38 8 other associates pledged under oath to insure the
01:37:43 9 victims were in school and were protected from abuse.

01:37:53 10 Paragraph I. Defendant and Castillo-Serrano
01:37:58 11 compelled the victims to live in trailers owned or
01:38:02 12 controlled by Castillo-Serrano in order to keep the
01:38:06 13 victims under the Defendants', plural, control, and to
01:38:12 14 have them -- and have them to pay money in the form of
01:38:19 15 rent. These trailers were often in substandard
01:38:25 16 conditions. The victims were not free to move -- move
01:38:30 17 out of the trailers until their debts were paid.

01:38:35 18 And I assume the debts were never paid; is
01:38:40 19 that correct, the so-called debts?

01:38:41 20 MS. RICE: Your Honor, with most of the
01:38:43 21 defendants -- excuse me, with most of victims, that is
01:38:46 22 the case. At least one of the victims identified in the
01:38:49 23 indictment, he paid his debt in full, and
01:38:52 24 Castillo-Serrano told him he had to pay even more money
01:38:56 25 before he could be released. But yes, the majority of

01:38:59 1 them were never able to pay.

01:39:02 2 THE COURT: It calls to mind a song by
01:39:07 3 Tennessee Ernie Ford, "I owe my soul to the Company
01:39:15 4 Store. Another day older, another day deeper in debt."
01:39:19 5 I think it's called "16 Tons," an old 1950s song.

01:39:31 6 Paragraph J. Defendant and Castillo-Serrano
01:39:42 7 arranged for the victims to work at Trillium Farms,
01:39:47 8 called Trillium in this document, a Limited Liability
01:39:53 9 Corporation in Ohio. Trillium owns and operates a
01:39:57 10 number of large egg farms in the Marion, Ohio area.

01:40:13 11 Paragraph K. Defendant and Castillo-Serrano
01:40:17 12 directed victims to work at one of the Trillium Farms
01:40:22 13 under the direct supervision of subcontractors,
01:40:26 14 including other co-defendants in this case. And I
01:40:30 15 paraphrased.

01:40:38 16 A portion of paragraph L. The victims
01:40:48 17 regularly worked six or seven days a week between eight
01:40:51 18 and 12 hours a day. The work was physically demanding,
01:40:57 19 dirty, and at times unsafe. The minor victims and some
01:41:03 20 adult victims did not receive paychecks or full cash
01:41:07 21 equivalent for their labor, but instead the contractors
01:41:13 22 delivered the paychecks directly to Defendant or her
01:41:19 23 associates. The victims were not given receipts for
01:41:25 24 their pay or debt payments.

01:41:30 25 I'm sorry that's paragraph L and M.

01:41:37 1 N. The Defendant kept some of the monies
01:41:41 2 obtained from the victims' paychecks for her own use and
01:41:46 3 transferred the rest of the money to Castillo-Serrano or
01:41:50 4 other associates.

01:41:56 5 O. The minor victims were given only small
01:42:00 6 amounts of money for their food and other needs. On
01:42:07 7 multiple occasions Defendant refused the minors'
01:42:16 8 requests to obtain more money from their paychecks.

01:42:29 9 Paragraph P. In or around December 2014, in
01:42:34 10 the Northern District of Ohio, Western Division, and
01:42:37 11 elsewhere, and after the FBI initiated an investigation
01:42:43 12 into Defendant's conduct -- Defendant, singular,
01:42:47 13 defendant's conduct -- Defendant and Castillo-Serrano
01:42:53 14 had at least one telephone conversation in which they
01:42:57 15 agreed to contact Castillo-Serrano's juvenile son and
01:43:09 16 persuade him to lie to the FBI about Defendants' role in
01:43:16 17 this human trafficking enterprise. At the time of this
01:43:23 18 phone call Defendant, singular, knew that the FBI had
01:43:30 19 initiated an investigation into her role in the human
01:43:35 20 trafficking enterprise.

01:43:45 21 Paragraph Q. In or around December, 2014,
01:43:53 22 in the Northern District of Ohio, Western Division,
01:43:56 23 Defendant, singular, participated in two voluntary
01:44:00 24 interviews with the FBI. An interpreter was present
01:44:03 25 during the interviews and advised Defendant that it was

01:44:10 1 a crime to lie to federal authorities. Despite the
01:44:22 2 warning, Defendant knowingly made numerous materially
01:44:26 3 false statements to the FBI agents, including that: (1)
01:44:34 4 She did not have firsthand knowledge of
01:44:38 5 Castillo-Serrano's smuggling activities; (2) She did not
01:44:45 6 withhold victims' wages from them; (3) She did not send
01:44:53 7 victims' wages to Guatemalan accounts at the direction
01:44:57 8 of Castillo-Serrano; (4) She did not have a close
01:45:06 9 relationship with Castillo-Serrano; (5) She was not in
01:45:10 10 contact with Castillo-Serrano; and (6) She did not
01:45:14 11 advise Castillo-Serrano's son to lie to the FBI.

01:45:20 12 Paragraph 23. Defendant acknowledges that
01:45:23 13 the above summation of Defendant's conduct does not set
01:45:29 14 forth each and every fact that the USAO, United States
01:45:34 15 Attorney's Office, could prove at trial; nor does it
01:45:38 16 encompass the acts which Defendant committed in
01:45:43 17 furtherance of the offenses to which Defendant is
01:45:47 18 pleading guilty.

01:45:51 19 Mr. Dech, I suggest that you talk to your
01:45:53 20 client about the need for me to find that she's accepted
01:45:58 21 responsibility. And I intend to ask her whether she
01:46:03 22 concurs in those statements or if she repudiates any of
01:46:13 23 those statements; and if so, which ones. Take whatever
01:46:17 24 time you want. If you want to take a recess, I'd have
01:46:20 25 the Marshals accompany you into the judicial conference

01:46:28 1 room so you can discuss the issues with her in
01:46:30 2 confidence and also with Ms. Donohue. One of the
01:46:33 3 deputies would, of course, have to be present during
01:46:37 4 that session.

01:46:38 5 MR. DECH: We would ask to do so, Judge.

01:46:41 6 THE COURT: Take a short recess. Let me
01:46:43 7 know when you're ready to resume. Take whatever time
01:46:46 8 you want.

01:46:53 9 (Recess taken.)

02:40:55 10 THE COURT: Are we ready to resume?

02:40:57 11 MR. DECH: Yes, Judge.

02:40:57 12 THE COURT: Before we do, I simply want to
02:41:00 13 note that after consultation with counsel for both
02:41:04 14 defendants, representative of the government, and
02:41:09 15 informing the Pretrial Service/Probation Officer, I will
02:41:13 16 be filing of record shortly, I assume even before
02:41:19 17 completion of these proceedings, the offense conduct
02:41:22 18 portion of the presentence reports on each of these two
02:41:27 19 defendants. I think in large measure they are
02:41:29 20 substantially the same. I think they may be
02:41:33 21 duplicative, but they're substantially the same.

02:41:39 22 Have you talked to the case agent about
02:41:40 23 that?

02:41:42 24 MS. RICE: No objection from the case agent,
02:41:45 25 Your Honor.

02:41:45 1 THE COURT: It's okay with you?

02:41:47 2 MS. RICE: Yes.

02:41:48 3 THE COURT: I just want to double-check. We
02:41:51 4 will redact the names of government officials to the
02:41:54 5 extent they appear in those segments, even though
02:41:58 6 they're otherwise a matter of public record. I think
02:42:01 7 that's appropriate. It's my understanding that this
02:42:04 8 defendant's plea agreement has never been under seal; it
02:42:06 9 is already a matter of record. I'll have DeAnna
02:42:08 10 double-check that. And with regard to Mr.
02:42:16 11 Castillo-Serrano's Factual Basis portion, I'll take that
02:42:20 12 up with his attorney in due course.

02:42:23 13 Okay. Mr. Dech, you've had an opportunity
02:42:28 14 to consult with your client in light of my concerns.
02:42:31 15 Anything further that you wish to say on behalf of your
02:42:34 16 client?

02:42:34 17 MR. DECH: Judge, there are a few areas in
02:42:37 18 which Ms. Ana Juan Pedro has some disagreement -- Ana
02:42:49 19 Angelica Pedro Juan has some disagreement. One is in
02:42:52 20 regard to the date of taking over the trailer. She
02:42:54 21 states it was in March of 2014; however, prior to that
02:42:59 22 time she states a person named Arturo Pedro was in
02:43:03 23 charge of the trailers. However, there were three
02:43:06 24 occasions where he could not buy money orders; he gave
02:43:11 25 her the money to buy money orders, and she did so.

02:43:14 1 In regards to the paragraph on recruiting
02:43:18 2 minors, she knew that Mr. Castillo-Serrano would send
02:43:24 3 minors to the United States because it was easy;
02:43:26 4 however, she also states some came over as minors to get
02:43:31 5 false papers; however, they actually were adults.

02:43:35 6 In regards to the signing the paperwork to
02:43:42 7 be the caretaker for the minors, she states that she did
02:43:46 8 it for his son and also one for a cousin. In regards to
02:43:51 9 paying others to sign on as caretaker, she states that
02:43:56 10 Mr. Castillo-Serrano set up the arrangements; however,
02:44:00 11 my client paid the people to do so. She states that
02:44:05 12 they were never compelled to live in the trailers, and
02:44:10 13 that she knew one of them didn't have heat; however,
02:44:12 14 that person lived in that at his own will, for lack of a
02:44:17 15 better term.

02:44:18 16 THE COURT: And you've advised her of the
02:44:20 17 consequences of contradicting her statements in her plea
02:44:24 18 agreement --

02:44:24 19 MR. DECH: Yes.

02:44:24 20 THE COURT: -- with regard to the acceptance
02:44:27 21 of responsibility?

02:44:28 22 MR. DECH: Yes. May I have one more moment,
02:44:30 23 Your Honor?

02:44:30 24 THE COURT: Sure.

02:44:32 25 (Discussion had off the record between

02:44:35 1 Defendant and Defense Attorney.)

02:45:14 2 THE COURT: Go ahead, Mr. Dech.

02:45:30 3 MR. DECH: Judge, after speaking with my
02:45:32 4 client once again, she has now stated to me she would
02:45:35 5 accept responsibility for everything contained in the
02:45:37 6 plea agreement and that --

02:45:42 7 THE COURT: And what is the Government's
02:45:44 8 understanding of the period -- if I understood correctly
02:45:47 9 from the Plea Agreement, Mr. Castillo-Serrano was in
02:45:52 10 Guatemala throughout the period March 2014, or whichever
02:45:59 11 year it was, until December?

02:46:02 12 MS. RICE: Yes, Your Honor. Defendant
02:46:05 13 Castillo-Serrano was deported back to Guatemala in or
02:46:08 14 around March, 2013, from that time period.

02:46:11 15 THE COURT: I'm sorry?

02:46:15 16 MS. RICE: From that period in March, 2013
02:46:18 17 until December, 2014 when the government initiated its
02:46:21 18 investigation Castillo-Serrano and this Defendant were
02:46:26 19 communicating over the telephone and committing other
02:46:30 20 acts.

02:46:30 21 THE COURT: But she was the person on-site
02:46:33 22 overseeing the operation?

02:46:34 23 MS. RICE: Correct, Your Honor.

02:46:35 24 THE COURT: That's the Government's
02:46:36 25 representation to me.

02:46:37 1 MR. DECH: Judge, in further speaking with
02:46:39 2 her, she accepts responsibility from that date and
02:46:42 3 accepts responsibility as it relates to the factual
02:46:44 4 basis and relevant conduct set forth in the Plea
02:46:47 5 Agreement and asks the Court to grant same.

02:46:51 6 THE COURT: Okay. Anything further on
02:46:52 7 behalf of the Government?

02:46:57 8 MS. RICE: Thank you, Your Honor. The Court
02:46:59 9 has already covered many of the facts that the Defendant
02:47:03 10 admitted to as part of her plea agreement. I just
02:47:06 11 wanted to highlight specifically with respect to the
02:47:09 12 Office of Refugee and Resettlement that the Defendant
02:47:13 13 did not only indicate that she, herself, would be a
02:47:16 14 sponsor for two minors, but she also indicated that she
02:47:19 15 would be a cosponsor or, more specifically, if the named
02:47:24 16 sponsor could not insure the safety of the children,
02:47:27 17 she, herself, would do so. She did that for at least
02:47:32 18 three other individuals. So she was involved directly
02:47:35 19 in making statements to the Federal Government insuring
02:47:38 20 the safety of these children for at least five minors.

02:47:41 21 As she admitted in her plea agreement, she
02:47:44 22 arranged with other individuals to do this, to lie to
02:47:47 23 the Federal Government to obtain custody of the minors.

02:47:50 24 THE COURT: I assume that any possible
02:47:52 25 utilities she may have otherwise had as a witness in any

02:47:57 1 further or ongoing investigation -- I'm not inquiring
02:48:00 2 whether there is such, but in any event, given her
02:48:06 3 deceptive conduct during the interviews and otherwise
02:48:13 4 her usefulness potentially as a Government witness is
02:48:16 5 nil?

02:48:16 6 MS. RICE: Your Honor has very aptly and
02:48:19 7 correctly stated it, yes.

02:48:20 8 And the last thing I would like to comment
02:48:24 9 on is in reference to her earlier statement. And
02:48:28 10 certainly we are sympathetic personally and on behalf of
02:48:33 11 the United States to assault. However, it is very
02:48:39 12 disappointing that her response was to then victimize
02:48:43 13 those even more vulnerable than she was.

02:48:46 14 And, Your Honor, I think it's worth noting
02:48:51 15 who she apologized to during her allocution, and it did
02:48:54 16 not include any of these minors.

02:48:56 17 Thank you, Your Honor.

02:48:57 18 THE COURT: I understand. Mr. Dech,
02:48:59 19 anything further before I pronounce sentence?

02:49:01 20 MR. DECH: Judge, I would just ask the Court
02:49:03 21 to grant acceptance of responsibility, and I would ask
02:49:07 22 the Court to stay within the guidelines set forth in the
02:49:10 23 plea agreement. I believe that it would give a
02:49:13 24 sufficient sentence but not be greater than necessary.

02:49:18 25 THE COURT: Do you have the PSR?

02:49:39 1 MS. RICE: Your Honor, I apologize for
02:49:41 2 interrupting, but at the appropriate time we would move
02:49:44 3 the Court to dismiss certain counts against this
02:49:47 4 Defendant.

02:49:47 5 THE COURT: That's fine.

02:49:48 6 MS. RICE: So we would ask the Court to
02:49:50 7 dismiss Counts 2 through 7 of the superseding
02:49:53 8 indictment, Count 9, Count 10, Count 12, and Count 13 as
02:50:00 9 they relate to the Defendant Ana Angelica Pedro Juan.

02:50:05 10 THE COURT: That motion will be granted.

02:50:23 11 I will leave the acceptance, a two-level
02:50:26 12 reduction as otherwise reflected in the Plea Agreement
02:50:29 13 as is.

02:50:31 14 Just to review the guideline range, it's
02:50:33 15 Base Offense level 34, Criminal History Category of I;
02:50:47 16 Guideline Range of 151 to 188 months. I will vary
02:51:11 17 downward somewhat, and I will impose a sentence of 120
02:51:14 18 months with credit for time served while spent in
02:51:17 19 custody awaiting disposition of these proceedings. That
02:51:21 20 will be followed by a three-year term of supervised
02:51:24 21 release. The only condition of which will be following
02:51:26 22 her deportation and obviously upon completion of the
02:51:30 23 sentence from the custody of the Bureau of Prisons, she
02:51:33 24 will be remanded forthwith to the custody of Immigration
02:51:38 25 and Customs Enforcement for deportation back to

02:51:41 1 Guatemala. The other condition of her supervised
02:51:44 2 release is that she not return to this country within
02:51:46 3 that three-year term.

02:51:48 4 In a moment I will explain my reasons for
02:51:51 5 the sentence, which does represent a variance downward
02:51:54 6 from the guidelines of 151 months. That's a substantial
02:51:59 7 variance. However, I do think that a sentence of 120
02:52:02 8 months is sufficient but not greater than necessary to
02:52:05 9 accomplish the purposes of sentencing.

02:52:07 10 I want to caution the Defendant that if she
02:52:09 11 ever comes back to this country again, she will be
02:52:12 12 apprehended at some point. You'll be prosecuted, in
02:52:18 13 light of your present conviction and sentence, and you
02:52:22 14 can expect a very substantial sentence upon conviction
02:52:25 15 of a felony of illegal reentry following deportation.
02:52:32 16 So please forego any temptation you might otherwise have
02:52:36 17 to return to this country for any reason whatsoever.

02:52:42 18 I've already commented on my views of the
02:52:45 19 nature of the offense, but let me formally for the
02:52:51 20 record recite my reasons in light of 18 U.S. Code,
02:52:56 21 Section 3553(a). I cannot emphasize strongly enough the
02:53:03 22 serious nature of this offense and this Defendant's role
02:53:07 23 in it, which she entirely unpersuasively sought to
02:53:12 24 minimize during her allocution. She accepted basically
02:53:19 25 no responsibility for anything and portrayed herself as

02:53:22 1 a victim, while from March of 2013 until December 2014
02:53:28 2 she ran this operation. She claims to have contact with
02:53:34 3 various social workers and other authorities. At no
02:53:38 4 time apparently did she talk to any of them about what
02:53:41 5 was going on. She claims she sought to help these
02:53:46 6 victims, and I'll let the absurdity of that comment
02:53:53 7 speak for itself.

02:53:57 8 I will grant acceptance of responsibility;
02:54:02 9 however, it is certainly not based upon anything she
02:54:07 10 said in open court this morning. She has acknowledged
02:54:13 11 the accuracy of what I read into the record from her
02:54:16 12 Plea Agreement, which is a matter of public record. She
02:54:21 13 basically, at least for some of the victims, stole their
02:54:26 14 childhood at an age when they came here anticipating to
02:54:31 15 become educated and enabled to become perhaps some day
02:54:36 16 American citizens and productive and contributing
02:54:39 17 members of our society so that they, in turn, could aid
02:54:42 18 their own families back home. She deliberately deprived
02:54:48 19 them of any of those opportunities.

02:54:59 20 I think I've said enough about my views of
02:55:01 21 the seriousness of this offense and this Defendant's
02:55:05 22 participation in it. I certainly hope that this
02:55:10 23 sentence gains respect for the law and the serious way
02:55:17 24 in which the law deals with conduct of this inhumane and
02:55:23 25 despicable sort. I believe the sentence is just. I

02:55:30 1 have taken into consideration this is a very young
02:55:33 2 woman, age 22 at the time of the preparation of the
02:55:35 3 Presentence Report. So she was even a younger woman
02:55:41 4 herself when she committed these crimes. She claims to
02:55:44 5 live in fear of the principal Defendant. I find that
02:55:46 6 statement to be absolutely implausible. She had ample
02:55:50 7 opportunity to, quote, escape, close quote, to notify
02:55:57 8 the authorities and to undertake to rectify the
02:56:03 9 circumstances in which the victims found themselves.
02:56:06 10 And I note according to the Government there weren't
02:56:11 11 just the ten victims recited the indictment; there were
02:56:17 12 upwards of 35 victims. I certainly hope, as I've
02:56:21 13 expressed earlier, that the government undertakes all
02:56:25 14 possible efforts to see that this sentence and the
02:56:29 15 circumstances are communicated as broadly and as
02:56:33 16 extensively as possible so that anyone, anywhere, who in
02:56:40 17 any way engages in this kind of conduct, is aware of
02:56:44 18 this kind of conduct, tolerates this kind of conduct,
02:56:47 19 acquiesces in this kind of conduct, understands what
02:56:52 20 will happen when and if the Government is able to apply
02:56:58 21 its resources -- all too limited I'm afraid in this and
02:57:03 22 so many other areas -- to a successful investigation of
02:57:07 23 others who engage in this and depravity of this degree.
02:57:15 24 Public deterrence is a fundamental objective that I'm
02:57:19 25 trying to accomplish by my sentence. I'm not entirely

02:57:25 1 sure that individual deterrence has been served thus
02:57:28 2 far. To the extent that it has not been, I hope my
02:57:32 3 sentence, particularly my response to her evasive
02:57:36 4 statement in mitigation, accomplishes that purpose.

02:57:47 5 I would hope that the public most likely to
02:57:52 6 be affected by this conduct, namely the victims who may
02:57:57 7 have returned to Guatemala and their families, that this
02:58:00 8 sentence serves to protect them. Unfortunately, there's
02:58:05 9 no possible way that I can be assured of that. To the
02:58:11 10 extent that this sentence becomes known and may help
02:58:14 11 ameliorate the conditions of others who, like these
02:58:18 12 victims, find themselves in involuntary imprisonment and
02:58:26 13 forced to endure the quasi slavery that these victims
02:58:33 14 endured, that perhaps others might take steps in light
02:58:39 15 of the sentence to respond to those conditions and see
02:58:44 16 to it that they are rectified. So to that extent, I'm
02:58:49 17 trying to serve the public interest on behalf of others
02:58:53 18 who have been brought into this country and basically
02:58:57 19 treated in this manner elsewhere, whether in the
02:59:00 20 agricultural industry or any other.

02:59:06 21 Although I don't believe it is necessarily
02:59:09 22 one of the 3553(a) factors, I've already mentioned that
02:59:13 23 contrary to my general views of the purpose of
02:59:20 24 punishment, I think that the purpose of retribution is
02:59:25 25 served by the severity of the sentence, I certainly hope

02:59:29 1 it is, in the public sense of how somebody who did what
02:59:35 2 this woman did should be treated harshly and severely
02:59:40 3 simply to express the public condemnation and
02:59:44 4 castigation of the kinds of things that she did.

02:59:54 5 Is there anything further that the
02:59:55 6 Government would like me to say in light of the Section
02:59:58 7 3553(a) factors?

03:00:03 8 MS. RICE: Your Honor, in light of the
03:00:07 9 3553(a) factors, nothing else. We would ask, while the
03:00:12 10 restitution has been repaid in its majority, there is
03:00:15 11 still some outstanding.

03:00:16 12 THE COURT: There will be a -- to the extent
03:00:19 13 there's a balance remaining, and I'll ask the Government
03:00:21 14 to notify the Clerk before judgement is entered sometime
03:00:25 15 today or tomorrow of the amount due and owing, this
03:00:29 16 Defendant will be required to pay restitution. And to
03:00:32 17 the extent that that may be accomplished through any
03:00:36 18 deductions she may have while in prison, that obviously
03:00:40 19 should occur.

03:00:41 20 The Special Assessment in this case is how
03:00:42 21 much?

03:00:43 22 MS. RICE: It is \$100 because she is
03:00:45 23 indigent, Your Honor.

03:00:46 24 THE COURT: There will be a special
03:00:47 25 assessment of \$100.

03:00:50 1 Mr. Dech, is there anything further that you
03:00:52 2 believe I should express in light of the 3553(a)
03:00:57 3 factors?

03:00:57 4 MR. DECH: Nothing further in regards to the
03:00:59 5 3553(a) factors, Your Honor.

03:01:02 6 THE COURT: The right to appeal has been
03:01:04 7 waived. I'm sure that you have discussed that in detail
03:01:07 8 with your client and the limited opportunity to
03:01:11 9 undertake to challenge the conviction or sentence as set
03:01:15 10 forth in the Plea Agreement. If grounds to appeal
03:01:19 11 somehow appear to exist, your client should understand
03:01:24 12 she has 14 days following the entry by me of my judgment
03:01:28 13 in which to file an appeal. She should also understand
03:01:31 14 that if she were to breach her promises to the Federal
03:01:40 15 Government as made in the Plea Agreement, the Federal
03:01:43 16 Government would not be bound to its promises, and the
03:01:47 17 case could proceed as originally indicted, and I would
03:01:52 18 expect that that's what would happen.

03:01:56 19 Does any party have any further objection to
03:02:01 20 any part of these proceedings, any stage thereof not
03:02:04 21 previously made?

03:02:05 22 MS. RICE: Not on behalf of the United
03:02:07 23 States, Your Honor.

03:02:07 24 THE COURT: Mr. Dech.

03:02:08 25 MR. DECH: Nothing on behalf of the

03:02:09 1 Defendant, Judge.

03:02:10 2 THE COURT: That will conclude this
03:02:11 3 proceeding.

03:02:51 4 (Recess taken.)

03:02:51 5 THE COURT: In light of what she did
03:02:54 6 represent today, I realize her credibility may be
03:02:58 7 somewhat -- nonetheless, to the extent she was telling
03:03:00 8 the truth and a jury might believe it, I would hope that
03:03:03 9 the Government would proceed accordingly. It's
03:03:09 10 simply -- unquestionably what she told us today is
03:03:18 11 hideous and horrifying. It does not excuse her
03:03:21 12 subsequent conduct for many, many, many months. On the
03:03:28 13 other hand, to the extent she was victimized in the way
03:03:33 14 she has described, it would seem to me an appropriate
03:03:37 15 inquiry to undertake by some authority and go from
03:03:41 16 there.

03:03:43 17 MS. RICE: Thank you, Your Honor.
03:03:44 18 Certainly on behalf of the United States whatever new
03:03:47 19 information we can obtain from Mr. Dech or from local
03:03:52 20 law enforcement --

03:03:53 21 THE COURT: It's entirely up to you.
03:03:56 22 Obviously if it would come to this Court, I would recuse
03:04:00 23 myself in view of my statement earlier.

24 (Concluded at 12:05 p.m.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled
matter.

/s/ Tracy L. McGurk_____

____8/10/16____

Tracy L. McGurk, RMR, CRR

Date